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La Recidiva nei reati, studio sperimentale. GIUSEPPE ORANO. Roma, 1883, pp. 298.

The author considers recidivity theoretically in the first part of his book, and experimentally in the second part. After taking up the general notion and legislation of recidivity, and the dissention between criminologists as to the legitimacy of the threatened repression of the recidivists, he passes in the second part to the question of the aggravation of punishment in respect to age and physical conditions, and to the relations of recidivity to insanity, and comes to the following conclusions: Such ideas, as the relative insufficiency of objective physical force of punishment on account of the insensibility which the criminal opposes to it, the contempt which the guilty one manifests, the social danger which comes with the relapse, the consequent necessity of hindering this by the menace of a greater castigation, are abstract considerations, *apriori* criteria, bereft of the aid of positive enquiry, and consequently more hypotheses and conjectures than reasons. Thirty per cent. of the criminals in Italy are recidivists. In France, it was 43 per cent. for men and 31 per cent. for women in 1867; in Belgium at that time it was 45 per cent. and in Austria 59 per cent. for men and 51 per cent. for women, in Switzerland 45 per cent. The average shows that 45 per cent. of criminals are recidivists. The second and successive punishments are in general expiated in that period of time in which the human organism commences to lose its natural vigor; there is thus a certain aspect of injustice and inutility in punishing the recidivist. There is also a greater bitterness in a second or successive punishment between the ages of 25 and 30, the period in which recidivity is most conspicuous. As to the relation of recidivity to the carcerial system, some of the most illustrious and competent men say that about six sevenths of the men are allured into relapse. Beranger says it is the prison which makes the recidivist. The influence of surroundings can be greater or less, but it does not affect substantially the great damage done by increasing the punishment of recidivists.

Socialismo e Criminalità. ENRICO FERRI. Roma, 1883, pp. 224.

The author says in his preface to the reader, that it is imposed upon contemporary science to embrace daily reality, and not platonic researches for archeological sweepings; and that this is not the love of science for its own sake, but for the sake of life. He calls attention to two new current ideas; one is the result of the experimental method in the study of criminal phenomena, the other is the effect of positivism in the study of economical facts. His conclusions are as follows: Crime, like all other manifestations of social pathology, is the offspring of the present social system; but socialism will change radically the state of society. In the new order of things, prophesied and desired, crime will disappear (in a manner more or less absolute), and with it the relatively unproductive institutions, prisons, soldiers and judges. The social surroundings will be the best, and crime, like misery, ignorance, prostitution and immorality in general will finish their sad tyranny. The following are two general socialistic affirmations, which have immediate relation to the problem of the criminality of the future. The iron laws of the struggle for existence, which have dominated the animal world and humanity, will be eliminated from the economical order of socialism, which is the suppression of vital competition. Egoism, which in humanity, past and present, stands as a bar to all moral and social life, will disappear before altruism, disinterestedness, and love of neighbor, which will reign sovereign in the economical order of socialism.

Les Récidivistes, par JOSEPH REINACH. Paris, 1882. pp. 388.

This work is valuable, in that it gives a definite idea of the French penal system. The author describes in a forcible way the recidivistic

character. The recidivists are criminals by profession. Just because they have lost the use of understanding, they are like all the insane, a great peril to society; and it is necessary to keep them also from doing evil. Psychiatrial science and penal science are branches of the same tree, and accidental criminality bears the same relation to professional criminality that a burning fever, which is curable, does to melancholia, which is not. Yet we let loose upon society recidivists charged with ten or more condemnations. Moreover, while the insane are isolated, the criminals by profession are generally in groups, more dangerous and more menacing. In fact, that which distinguishes the recidivists from the mass of criminals, is that they are a compact army, an association opposed to society and law, incorporated to make an attempt upon the safety and property of the public. Rebels and revolters *par excellence* are the more to be feared, since they have not entered with gaiety of heart into the infernal circle, where it is necessary to renounce all hope, but have been precipitated there by misery, and almost all of them, alas, are right in accusing society, which could save them after their first false steps, but which has let them slide into the abyss without reaching a helping hand. Then it matters little that you have only to do with a feeble heart, and a soul functionally perverse. In the half-grim liberty, which the penal law has made for the recidivist, the two dangerous signs in man, habit and a taste to do evil, have become a second nature. In the degree that it would be easy to redeem him after his first fault, in the same degree it would be chimerical to attempt it now that he is in his place in the army of crime; he will not flinch; for one who deserts, ninety-nine will die impenitent on the field of battle. They are a world apart not only from honest men, but from all other criminals. The unfortunate whom misery or passion has led astray during an hour, trembles before justice, the recidivist defies it. One has not ceased to belong to society; the other has; he lacks no kind of vice; he recruits himself everywhere; with his great ally, prostitution, he is the product and the mixture of all the impure elements of society, a veritable social ulcer. The misery is terrible, no less the physical than the intellectual; his vice and debauch are monstrous, and cynical beyond conception; he has called the bench for the accused in court, "the bread-board." The main incentives to his crimes are women, wine and gambling. He is moth-eaten by the itch, which comes directly from dirtiness and privations of every nature; he is undermined by epilepsy which comes from alcoholism; he is the victim of a social order without pity; but in his turn he is the most infamous oppressor. Whatever be the cause of his hardened criminality, whatever be his own vices, misery and the logical consequences of a defective penal law are dangers to be denounced. The recidivists are dangerous because their antecedents push them to new crimes, and half of all crimes come from them. Crime produces crime, the recidivist never says *adieu* to the courts, but always *au revoir*, and on every return his crime is wiser and graver. In times of civil discord, he takes advantage of the confusion. Misery and ignorance have always been the two great causes of criminality; the number of crimes against property rises and falls with the price of wheat; the want of instruction is proportionate to the number of crimes committed. Misery and ignorance are the two aged perveyors of the courts, houses of debauch and morgues. If scarcity of bread and ignorance are the cause of the first crime, the penal code is often the cause of the second. The result of the penitentiary system is an increase of recidivists. Permanent transportation in a penitentiary colony is the only means of security against the recidivist. Patronage is the only solution of the problem of how to keep the wanderer of to-day from becoming the hardened malefactor of to-morrow, how to save the unfortunate whom abandonment leads straight to

misery, and misery in its turn fatally to crime. If the prison regime has been what it ought to be, the prisoner on his release has a desire to make a man of himself. It is just at this moment of moral convalescence, that he should be cared for and should be given employment; and if private enterprise does not do it, the state should. If after this, he refuses this aid, the social conscience is clear. When a hungry woman sells herself to have bread, society is guilty; but when a woman, who has bread, sells herself to have cake, society can follow the example of Pontius Pilate.

Criminals, by CHARLES D. SAWIN, Physician at Mass. State Prison. April, 1890. pp. 30.

This brochure is interesting as coming from the practical experience of a physician, who has been for some five years almost daily in contact with State prisoners. That all criminals are about the same and never to be trusted, whether in or out of prison, is a false conclusion. The degree of moral sense and of intellectuality should be as carefully measured by those familiar with criminals as men are measured physically by the Bertillon system, and then the criminal should be placed with those in the same approximate grade. Murderers, burglars and thieves should not be huddled together, thereby obtaining new points for their criminal career. Separating criminals into groups of the same degree of moral responsibility is preferable to the Belgian system. The hope of rendering a prison self-supporting must be given up, in order to produce the best results, *i. e.*, the stamping out of the trained criminal. Crime may be defined as the commission, by a rational being, of a certain offence or action, of which the government disapproves. It is relative; thus an inebriate instead of being put into a penal institution, may be put into a hospital. Perhaps the dealer in intoxicants will be classed as the criminal in the future. Criminals may be classified into: (1) Those having a congenital malformation or disease, either through accident or birth, or disease or vices of antecedents. (2) Criminals by circumstance, having good physical development, but insufficient will-power to withstand a propensity. And (3) criminals having a good physical development, but a constant bad environment during their lives. Although there is a greater percentage of weak-mindedness in prisons than outside, yet the tendency in major crimes, and especially where the individual is prominent, to detect evidences of mental aberration, is to be deprecated. Many prisoners become insane after entering prison; in a few instances, through remorse, or on account of the sudden change of the conditions of life, from one of pleasure to one of monotony. A little over eight tenths of one per cent. of the prison population have been transferred annually to the lunatic hospitals for treatment, for the past five years. Many more, who were harmless and quiet, could have been transferred. From a recent cursory examination, thirteen and eighteen hundredths per cent. of the prisoners in Massachusetts State Prison exhibited strong mental peculiarities; and although the major portion are very tractable during confinement under stringent rules, when permitted to mingle with the general public upon the expiration of their sentences, they fail to comprehend the social body, and break forth into some new and atrocious crime. Solitary confinement has a wonderful effect, reducing an excitable prisoner to a spirit of subjection. A certain one of this kind, when allowed the freedom of the yard was like a wild animal. He said himself that he could not bear his liberty and wanted to fight. The writer gives some interesting facts as regards Jesse Pomeroy; and closes his brochure with citations from letters written by criminals in answer to the question: "Is crime a form of insanity?" The crimi-